

Notice of Allowability

Application No.

09/936,373

Examiner

Mark R. Milia

Applicant(s)

SCHWIER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on 9/11/06.
2. ☒ The allowed claim(s) is/are 20,21 and 24-42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TWYLER LAMB
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 9/11/06 and has been entered and made of record. Currently, claims 20, 21, and 24-42 are pending.

Claim Objections

2. Applicant's amendment to claim 24 to change the dependency from claim 21 to claim 20 has overcome the objection as cited in the previous Office Action. Therefore the objection has been withdrawn.

Response to Arguments

3. Applicant's arguments, see pages 6-7, filed 9/11/06, with respect to the rejection of claims 20, 41, and 42 and the current amendments to the claims, have been fully considered and are persuasive. The rejection of claims 20, 21, and 24-42 has been withdrawn.

Allowable Subject Matter

4. Claims 20, 21, and 24-42 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach, or suggest the claimed limitations of (in combination with all other limitations in the claims), marking said variable data area, wherein said marking step of variable data area ensues by a visually perceptible identification, said visually perceptible identification is a chromatic marking that appears on the printed document in the same color as the static data when printed and separating said variable data of said serial data stream from said static data on a basis of said marking, as set forth in claims 20, 41, and 42.

The closest prior art, previously noted as Uematsu (US 5562351), discloses a system, method, and computer program product for output of data from a computer system to an output device, comprising: providing a master document having a variable data area and having a static data area, marking the variable data area, inserting variable data into the variable data area to provide a serial data stream with individual documents, said individual documents respectively containing both variable data as well as static data, separating said variable data of said serial data stream from said static data, transmitting said variable data separated from said static data from a first individual document to the output device, storing said static data of said first individual document in the output device, said static data of following individual documents are not transmitted to said output device, and joining said variable data in turn with the stored

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static data individual document by individual document in said output device. However, Uematsu fails to disclose marking said variable data area, wherein said marking step of variable data area ensues by a visually perceptible identification, said visually perceptible identification is a chromatic marking that appears on the printed document in the same color as the static data when printed and separating said variable data of said serial data stream from said static data on a basis of said marking, as set forth in the claims.

Therefore, for these reasons, claims 20, 21, and 24-42 are rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRM

Mark R. Milia
Examiner
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